

Assembly Bill No. 360

CHAPTER 264

An act to amend Section 330b of the Penal Code, relating to gaming.

[Approved by Governor September 3, 2003. Filed
with Secretary of State September 4, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 360, Jerome Horton. Slot machines or devices.

Existing law prohibits the possession and sale of slot machines or devices, except in limited instances.

This bill would create an exception to this prohibition for manufacturers that are licensed pursuant to tribal-state gaming compacts and that satisfy specified conditions. The bill would also make various technical, nonsubstantive changes to that provision.

The people of the State of California do enact as follows:

SECTION 1. Section 330b of the Penal Code is amended to read:
330b. Possession or keeping of slot machines or devices.

(1) It is unlawful for any person to manufacture, repair, own, store, possess, sell, rent, lease, let on shares, lend or give away, transport, or expose for sale or lease, or to offer to repair, sell, rent, lease, let on shares, lend or give away, or permit the operation, placement, maintenance, or keeping of, in any place, room, space, or building owned, leased, or occupied, managed, or controlled by that person, any slot machine or device, as defined in this section.

It is unlawful for any person to make or to permit the making of an agreement with another person regarding any slot machine or device, by which the user of the slot machine or device, as a result of the element of hazard or chance or other unpredictable outcome, may become entitled to receive money, credit, allowance, or other thing of value or additional chance or right to use the slot machine or device, or to receive any check, slug, token, or memorandum entitling the holder to receive money, credit, allowance, or other thing of value.

(2) The limitations of paragraph (1), insofar as they relate to owning, storing, possessing, or transporting any slot machine or device, do not apply to any slot machine or device located upon or being transported by any vessel regularly operated and engaged in interstate or foreign commerce, so long as the slot machine or device is located in a locked

compartment of the vessel, is not accessible for use, and is not used or operated within the territorial jurisdiction of this state.

(3) The limitations of paragraph (1) do not apply to a manufacturer's business activities that are conducted in accordance with the terms of a license issued by a tribal gaming agency pursuant to the tribal-state gaming compacts entered into in accordance with the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.).

(4) For purposes of this section, "slot machine or device" means a machine, apparatus, or device that is adapted, or may readily be converted, for use in a way that, as a result of the insertion of any piece of money or coin or other object, or by any other means, the machine or device is caused to operate or may be operated, and by reason of any element of hazard or chance or of other outcome of operation unpredictable by him or her, the user may receive or become entitled to receive any piece of money, credit, allowance or thing of value or additional chance or right to use the slot machine or device, or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance or thing of value, or which may be given in trade, irrespective of whether it may, apart from any element of hazard or chance or unpredictable outcome of operation, also sell, deliver or present some merchandise, indication of weight, entertainment, or other thing of value.

(5) Every person who violates this section is guilty of a misdemeanor.

(6) Pinball and other amusement machines or devices, which are predominantly games of skill, whether affording the opportunity of additional chances or free plays or not, are not included within the term slot machine or device, as defined in this section.

